



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

#16
1/2/03
JL bbb

In re Patent Application of

FORSLÖW

Atty. Ref.: 2372-5

Serial No. 09/087,496

Group: 2665

Filed: May 29, 1998

Examiner: Toan D. Nguyen

For: DYNAMIC QUALITY OF SERVICE RESERVATION IN A MOBILE
COMMUNICATIONS NETWORK

December 30, 2002

Assistant Commissioner for Patents
Washington, DC 20231

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DEC 31 2002

REQUEST FOR RECONSIDERATION

Technology Center 2600

Sir:

In response to the Official Action dated December 19, 2002, Applicant respectfully requests reconsideration.

Applicant notes with appreciation the Examiner's indication of allowable subject in claims 59-65, 76, 79, 103-109, 117, and 118. Remaining claims stand rejected under 35 USC §102(e) as being anticipated by commonly-assigned U.S. Patent No. 6,374,112 to Widegren et al. This rejection is respectfully traversed.

It is respectfully submitted that the Widegren reference is not prior art to the instant application. The instant application, filed on May 29, 1998, claims priority from provisional application, serial no. 60/054,469, filed on July 25, 1997. The provisional filing date precedes the Widegren patent's U.S. filing date of April 1, 1999 and provisional filing date of April 3, 1998.

As explained in 35 USC §119(e)(1), "an application for patent... disclosed... in a provisional application... shall have the same effect, as to such invention, as though filed on the date of the provisional application." 35 USC §102(e)(1) requires that the invention be described in a patent application "before the invention by the applicant for patent." Because

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the filing date of the instant application precedes the effective filing date of the Widegren patent, the Widegren patent is not prior art.

Applicant respectfully submits that the present application is now in condition for allowance. An early notice to that effect is earnestly solicited.

Respectfully submitted,

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